

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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Attorneys for Defendant John Doe subscriber assigned IP address 98.109.66.5

MALIBU MEDIA, LLC,

Plaintiff,

vs.

**JOHN DOE SUBSCRIBER ASSIGNED IP
ADDRESS 98.109.66.5,**

Defendant.

Hon. William H. Walls, U.S.D.J.

Case No. 2:14-cv-04398 (WHW) (CLW)

CIVIL ACTION

**NOTICE OF MOTION
TO PROCEED ANONYMOUSLY
AND FOR A PROTECTIVE
ORDER**

Return Date: December 15, 2014

Document Filed Electronically

TO:

PATRICK J. CERILLO, ESQ.
4 Walter Foran Boulevard, Suite 402
Flemington, NJ 08822

Verizon Legal Compliance
Custodian of Records
P.O. Box 1001
San Angelo, TX 76902

PLEASE TAKE NOTICE that on **December 15, 2014**, at 10:00 a.m., or as soon thereafter as counsel be heard, defendant John Doe subscriber assigned IP address 98.109.66.5 shall move before the Hon. William H. Walls, U.S.D.J., at the United States District Court, Martin Luther King, Jr., Federal Building and United States Courthouse, 50 Walnut Street, Newark, New Jersey, granting defendant's **Motion to Proceed Anonymously** and for a **Protective Order** in the above captioned matter, pursuant to Rule 5.2(e) and/or 26(c) of the Federal Rules of Civil Procedure, prohibiting any party from publicly disclosing any information

relating to defendant that plaintiff Malibu Media, LLC, receives in response to its Rule 45 subpoena issued to defendant's internet service provider ("ISP").

Since the return date of this Motion is after the December 1, 2014, return date of defendant's subpoena to Verizon seeking defendant's identity, and defendant could not have filed this Motion to be returnable before December 15, 2014, defendant requests that the Court enter an interim Order either (1) barring plaintiff from amending its Complaint to substitute defendant's real name for John Doe until this Motion is ruled on, or (2) barring Verizon from responding to plaintiff's subpoena until this Motion is ruled on.

Your response hereto is due within the applicable time period provided by the Federal Rules of Civil Procedure.

Notice of Limited Appearance: Defendant has not been served with process in this case, and this Motion is not to be construed as a general appearance. Defendant only makes this Motion as a special, limited appearance, and does not waive service of process by making this limited appearance.

PLEASE TAKE FURTHER NOTICE that defendant shall rely on the Brief, Certification and Exhibits annexed hereto.

Any opposition must be served and filed at least fourteen days prior to the return date of this motion.

LESLIE A. FARBER, LLC

By: /s/ Leslie A. Farber
Leslie A. Farber

Dated: November 18, 2014